

PUBLIC HEARING--August 18, 1965

Appeal #8319 Raymond Howar, et al. appellants.

The Zoning Administrator District of Columbia, appellee.

On motion duly made, seconded and unanimously carried the following Order was entered on August 25, 1965:

ORDERED:

That the appeal for a variance from the provisions of Section 7502.2 and the FAR requirements of the R-5-A District to permit swimming pool and related facilities in the side yard at 4200 Cathedral Ave. N.W., parcel 20/18, square 1699, be denied.

As the result of an inspection of the property by the Board, and from the records and the evidence adduced at the hearing, the Board finds the following facts:

(1) Appellant's parcel consists of a large triangular shaped piece of property which is improved with an existing apartment building. The property in question has a frontage of 456.39 feet on Cathedral Avenue and 441.78 feet on New Mexico Avenue. The property is bounded by Glover Parkway on the east side, and by R-1-A zoning across New Mexico Avenue.

(2) Appellant proposes to erect a swimming pool with related facilities on the west side of this building in the side yard. The pool, including decks and walks is 112 feet in length by 70 feet in width. The Zoning Regulations under the provisions of paragraph 7502.2 requires that an accessory use or building shall be located only in a rear yard. Appellant was therefore required to file his appeal as a variance from the provisions of paragraph 7502.2.

(3) Appellant has also filed his appeal as a variance from the FAR requirements of paragraph 3302.1 of the Zoning Regulations to permit construction of toilet and storage facilities below the pool deck. This was required due to the fact that no additional FAR is permitted.

(4) Appellant contents he has a hardship under the provisions of Section 8207.11 of the Zoning Regulations due to topographic conditions which render location of the pool and related facilities in the rear yard most difficult.

(5) There was considerable opposition to the granting of this appeal registered at the public hearing by residents in the area and by those persons residing in the apartment building. The Spring Valley-Wesley Heights Citizens Association also protested the granting of this appeal. This protest was predicated upon the contention that the erection of this pool in the side yard is not desired by those persons residing in the apartments; that it will destroy the expanse of green yard and trees; that the apartments are now all rented with a waiting list; that it will result in noise, commotion and destroy the quiet and dignity of the area, and that the two existing elevators will be used by the bathers.

OPINION:

It is our opinion that appellant has failed to prove a case of hardship within the provisions of Section 8207.11 of the Zoning Regulations, and that the granting of this appeal will result in substantial detriment to the public good and will ~~impose~~ impair the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and map.

It is our further opinion that the erection of this swimming pool and related facilities in the side yard of this apartment development will, as contended by those in opposition, create noise, commotion, destroy the quiet and dignity of the area and destroy the expanse of green yard. It is further noted that the pool is not required to attract tenants as the building is completely full with a waiting list.

It is also our opinion that the erection of this pool will be detrimental to many of those persons residing in the building, and particularly those whose apartments will face this yard, but will also be objectionable to those persons residing on New Mexico Avenue opposite.